

### REMARKS

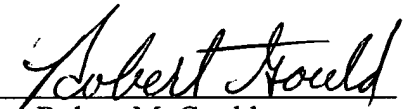
This Amendment is submitted in response to the Office Action mailed on May 24, 2004. Claims 133 and 141-144 are pending in this case. Claims 141-144 were found allowable. Claims 1-127 and 147-231 are withdrawn from consideration, claims 128-132, 134-140 and 145-146 have been canceled.

Claim 133 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,156,953 which has two inventors, Daphne Preuss and Gregory Copenhaver.

Applicant's submit as an Attachment, "Declaration Under 37 C.F.R. § 1.132 That Inventors, Gregory Copenhaver And Daphne Preuss, Named In This Application Conceived Or Invented The Subject Matter Of Claim 133 Of This Application Which Is Disclosed In The Cited Patent", which shows that Dr. Preuss and Dr. Copenhaver are the sole inventors of the subject matter of Claim 133 and the cited disclosure in U.S. Patent 6,156,953 was conceived or invented by them. As such, U.S. Patent 6,156,953 is not an invention "by another" as required to support a rejection under 35 U.S.C. 102(e). In light of the foregoing, Applicants respectfully submit that the application is allowable and requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Gould  
Reg. No. 43,642  
P.O. Box 1135  
Chicago, Illinois 60690-1135  
Phone: (312) 807-4244

Date: August 24, 2004

## ATTACHMENT



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Preuss et al  
Appl. No.: 09/531,120  
Conf. No.: 5601  
Filed: March 7, 2000  
Title: Plant Chromosome Compositions and Methods  
Art Unit: 1634  
Examiner: T. Strzelecka  
Docket No.: 114871-07

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.132 THAT INVENTORS, GREGORY  
COPENHAVER AND DAPHNE PREUSS, NAMED IN THIS APPLICATION  
CONCEIVED OR INVENTED THE SUBJECT MATTER OF CLAIM 133 OF  
THIS APPLICATION WHICH IS DISCLOSED IN THE CITED PATENT**

1. Cited against Claim 133 of this application is the disclosure of U.S. Patent No.: 6,156,953 issued December 5, 2000.

2. We, Gregory Copenhaver and Daphne Preuss, signing below, hereby declare that we are the sole inventors of Claim 133 of this application and the cited disclosure in the above identified patent was conceived or invented by us.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8/23/04  
Date

Daphne Preuss  
Daphne Preuss

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gregory Copenhaver

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Preuss et al  
Appl. No.: 09/531,120  
Conf. No.: 5601  
Filed: March 7, 2000  
Title: Plant Chromosome Compositions and Methods  
Art Unit: 1634  
Examiner: T. Strzelecka  
Docket No.: 114871-07

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.132 THAT INVENTORS, GREGORY COPENHAVER AND DAPHNE PREUSS, NAMED IN THIS APPLICATION CONCEIVED OR INVENTED THE SUBJECT MATTER OF CLAIM 133 OF THIS APPLICATION WHICH IS DISCLOSED IN THE CITED PATENT**

1. Cited against Claim 133 of this application is the disclosure of U.S. Patent No.: 6,156,953 issued December 5, 2000.

2. We, Gregory Copenhaver and Daphne Preuss, signing below, hereby declare that we are the sole inventors of Claim 133 of this application and the cited disclosure in the above identified patent was conceived or invented by us.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

\_\_\_\_\_  
Date

8/23/04

\_\_\_\_\_  
Date

\_\_\_\_\_  
Daphne Preuss

\_\_\_\_\_  
Gregory Copenhaver